

**CITY OF BALTIMORE
COUNCIL BILL 02-0717
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Public Works)

Introduced and read first time: March 25, 2002

Assigned to: Land Use and Planning Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Public Works, Department of Finance, Department of Housing and Community Development, Police Department, Board of Estimates

A BILL ENTITLED

AN ORDINANCE concerning

Natural Resources — Stormwater Management

FOR the purpose of revising the laws governing stormwater management; requiring the development, review, and approval of stormwater management plans; establishing certain minimum control requirements; requiring certain structural and nonstructural practices; requiring certain reports and inspections; requiring easements for certain purposes; providing for certain exemptions, waivers, and variances; requiring certain permits; imposing certain fees; establishing certain maintenance requirements; defining certain terms; establishing certain penalties; and generally relating to the protection, maintenance, and enhancement of the public health, safety, and welfare through the management of stormwater.

BY repealing

Article 7 - Natural Resources
Subtitles 21 through 26, inclusive
Baltimore City Code
(Edition 2000)

BY adding

Article 7 - Natural Resources
Subtitles 21 through 28, inclusive
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Subtitles 21 through 26, inclusive, of Article 7 are repealed in their entirety.

SECTION 2. AND BE IT ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Division II. Stormwater Management

SUBTITLE 21. DEFINITIONS; GENERAL PROVISIONS

§ 21-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS DIVISION II, THE FOLLOWING TERMS HAVE THE MEANING INDICATED.

(B) *ADVERSE IMPACT.*

“ADVERSE IMPACT” MEANS ANY EFFECT ON WATERS OR WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES COMPOSITION, AESTHETICS, OR USEFULNESS FOR HUMAN OR NATURAL USES, THAT:

(1) IS DELETERIOUS; AND

(2) EITHER:

(I) IS OR POTENTIALLY CAN BE HARMFUL OR INJURIOUS TO HUMAN HEALTH, WELFARE, OR SAFETY, TO PROPERTY, OR TO BIOLOGICAL PRODUCTIVITY, DIVERSITY, OR STABILITY; OR

(II) UNREASONABLY INTERFERES WITH THE ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.

(C) *BEST MANAGEMENT PRACTICE .*

“BEST MANAGEMENT PRACTICE” MEANS A STRUCTURAL OR NONSTRUCTURAL PRACTICE DESIGNED TO STORE TEMPORARILY OR TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION, AND PROVIDE OTHER AMENITIES.

(D) *CHANNEL PROTECTION STORAGE VOLUME.*

“CHANNEL PROTECTION STORAGE VOLUME” MEANS THE VOLUME, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, USED TO DESIGN STRUCTURAL MANAGEMENT PRACTICES TO CONTROL STREAM CHANNEL EROSION.

(E) *DEPARTMENT.*

“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS.

(F) *DESIGN MANUAL.*

“DESIGN MANUAL” MEANS THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I AND II, AND ANY SUBSEQUENT ADDITIONS, REVISIONS, AND AMENDMENTS TO IT.

(G) *DEVELOP*.

“DEVELOP” MEANS TO CHANGE THE RUNOFF CHARACTERISTICS OF A PARCEL OF LAND IN CONJUNCTION WITH RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL CONSTRUCTION OR ALTERATION.

(H) *DISTURB*.

(1) “DISTURB” MEANS TO:

- (I) CLEAR OR REMOVE TREES AND BRUSH FROM LAND;
- (II) GRADE, STOCKPILE, REMOVE, EXCAVATE, SCARIFY, OR FILL SOIL;
- (III) GRUB OR REMOVE STUMPS; OR
- (IV) STRIP OR REMOVE VEGETATIVE SURFACE COVER.

(2) “DISTURB” DOES NOT INCLUDE:

- (I) MOWING OF GRASS;
- (II) TRIMMING OF TREES; OR
- (III) OTHER MAINTENANCE ACTIVITIES THAT DO NOT CREATE UNVEGETATED GROUND.

(I) *DRAINAGE AREA*.

“DRAINAGE AREA” MEANS AN AREA, MEASURED IN A HORIZONTAL PLANE, THAT:

- (1) CONTRIBUTES RUNOFF TO A SINGLE POINT; AND
- (2) IS ENCLOSED BY A RIDGE LINE.

(J) *EXTREME FLOOD VOLUME*.

“EXTREME FLOOD VOLUME” MEANS THE STORAGE VOLUME REQUIRED TO CONTROL INFREQUENT, LARGE STORM EVENTS IN WHICH OVERBANK FLOWS REACH OR EXCEED THE BOUNDARIES OF THE 100- YEAR FLOODPLAIN.

(K) *INCLUDES; INCLUDING*.

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(L) *INFILTRATION*.

“INFILTRATION” MEANS THE PASSAGE OR MOVEMENT OF WATER INTO THE SOIL SURFACE.

(M) *OFF-SITE ... MANAGEMENT.*

“OFF-SITE ... MANAGEMENT” MEANS THE DESIGN AND CONSTRUCTION OF A FACILITY NECESSARY TO CONTROL STORMWATER FROM MORE THAN ONE DEVELOPMENT.

(N) *ON-SITE ... MANAGEMENT.*

“ON-SITE ... MANAGEMENT” MEANS THE DESIGN AND CONSTRUCTION OF SYSTEMS NECESSARY TO CONTROL STORMWATER WITHIN ONE DEVELOPMENT.

(O) *OVERBANK FLOOD PROTECTION VOLUME.*

“OVERBANK FLOOD PROTECTION VOLUME” MEANS THE VOLUME, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, CONTROLLED BY STRUCTURAL PRACTICES TO PREVENT AN INCREASE IN THE FREQUENCY OF OUT OF BANK FLOODING GENERATED BY DEVELOPMENT.

(P) *PERSON.*

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR
- (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(Q) *QUALITATIVE CONTROL.*

SEE “STORMWATER MANAGEMENT – QUALITATIVE CONTROL”.

(R) *QUANTITATIVE CONTROL.*

SEE “STORMWATER MANAGEMENT – QUANTITATIVE CONTROL”.

(S) *RECHARGE VOLUME.*

“RECHARGE VOLUME” MEANS THAT PORTION OF THE WATER QUALITY VOLUME, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, USED TO MAINTAIN GROUNDWATER RECHARGE RATES AT DEVELOPMENT SITES.

(T) *REDEVELOPMENT.*

“REDEVELOPMENT” MEANS ANY CONSTRUCTION, ALTERATION, OR IMPROVEMENT THAT DISTURBS MORE THAN 5,000 SQUARE FEET OF LAND ON SITES WHERE EXISTING LAND USE IS COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTI- FAMILY RESIDENTIAL.

(U) *SEDIMENT*.

“SEDIMENT” MEANS SOILS OR OTHER SURFICIAL MATERIALS THAT ARE THE PRODUCT OF EROSION AND ARE TRANSPORTED OR DEPOSITED BY THE ACTION OF WIND, WATER, ICE, OR GRAVITY.

(V) *SITE*.

“SITE” MEANS:

(1) FOR “NEW DEVELOPMENT”, ANY TRACT, LOT, OR PARCEL OF LAND OR COMBINATION OF TRACTS, LOTS, OR PARCELS OF LAND THAT ARE:

(I) IN ONE OWNERSHIP; OR

(II) IN DIVERSE OWNERSHIP BUT CONTIGUOUS WHERE DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION, OR PROJECT; AND

(2) FOR “REDEVELOPMENT”, EITHER OF THE FOLLOWING, AS THE DEPARTMENT DETERMINES:

(I) THE AREA OF NEW CONSTRUCTION AS SHOWN ON AN APPROVED SITE PLAN; OR

(II) THE ORIGINAL PARCEL.

(W) *STABILIZATION*.

“STABILIZATION” MEANS THE PREVENTION OF SOIL MOVEMENT BY ANY OF VARIOUS VEGETATIVE OR STRUCTURAL MEANS.

(X) *STORMWATER MANAGEMENT – QUALITATIVE CONTROL*.

(1) “STORMWATER MANAGEMENT” MEANS, FOR QUALITATIVE CONTROL, A SYSTEM OF VEGETATIVE, STRUCTURAL, AND NONSTRUCTURAL PRACTICES THAT REDUCE OR ELIMINATE POLLUTANTS THAT MIGHT OTHERWISE BE CARRIED BY SURFACE RUNOFF.

(2) “STORMWATER MANAGEMENT” INCLUDES, FOR QUALITATIVE CONTROL, DESIGN PARAMETERS FOR:

(I) CHANNEL PROTECTION STORAGE VOLUME;

(II) OVBANK FLOOD PROTECTION VOLUME; AND

(III) EXTREME FLOOD VOLUME.

(Y) *STORMWATER MANAGEMENT – QUANTITATIVE CONTROL.*

- (1) “STORMWATER MANAGEMENT” MEANS, FOR QUANTITATIVE CONTROL, A SYSTEM OF VEGETATIVE, STRUCTURAL, AND NONSTRUCTURAL PRACTICES THAT CONTROL THE INCREASED VOLUME AND RATE OF SURFACE RUNOFF CAUSED BY MAN-MADE CHANGES TO THE LAND.
- (2) “STORMWATER MANAGEMENT” INCLUDES, FOR QUANTITATIVE CONTROLS, DESIGN PARAMETERS FOR:
 - (I) WATER QUALITY VOLUME; AND
 - (II) RECHARGE VOLUME.

(Z) *STORMWATER MANAGEMENT PLAN.*

“STORMWATER MANAGEMENT PLAN” MEANS A SET OF DRAWINGS, REPORTS, AND OTHER DOCUMENTS THAT:

- (1) IS SUBMITTED AS A PREREQUISITE TO OBTAINING A STORMWATER MANAGEMENT APPROVAL; AND
- (2) CONTAINS ALL OF THE INFORMATION AND SPECIFICATIONS REQUIRED BY THIS DIVISION II.

(AA) *WATERSHED.*

“WATERSHED” MEANS THE TOTAL DRAINAGE AREA CONTRIBUTING RUNOFF TO A SINGLE POINT.

(BB) *WATER QUALITY VOLUME.*

“WATER QUALITY VOLUME” MEANS THE VOLUME NEEDED, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, TO CAPTURE AND TREAT THE RUNOFF FROM 90% OF THE AVERAGE ANNUAL RAINFALL AT A DEVELOPMENT SITE.

(CC) *WETLANDS.*

“WETLANDS” MEANS AN AREA THAT HAS SATURATED SOILS OR PERIODIC HIGH GROUNDWATER LEVELS AND VEGETATION ADAPTED TO WET CONDITIONS AND PERIODIC FLOODING.

§ 21-2. RULES OF CONSTRUCTION.

(A) *IN GENERAL.*

IN INTERPRETING AND APPLYING THIS DIVISION II, THE FOLLOWING RULES OF CONSTRUCTION APPLY.

(B) *CAPTIONS OR HEADINGS.*

THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

- (1) ARE FOR CONVENIENCE OF REFERENCE ONLY, INTENDED TO SUMMARIZE THE STATUTORY PROVISIONS THAT FOLLOW; AND
- (2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

(C) *CONFLICTING PROVISIONS.*

(1) *DIVISION SETS MINIMUM REQUIREMENTS.*

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS DIVISION II MUST BE TAKEN TO BE THE MINIMUM REQUIREMENTS FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

(2) *MOST RESTRICTIVE PROVISION GOVERNS.*

IF ANY CONDITION IMPOSED BY A PROVISION OF THIS DIVISION II IS EITHER MORE OR LESS RESTRICTIVE THAN A COMPARABLE CONDITION IMPOSED BY ANY OTHER PROVISION OF THIS DIVISION OR BY ANY OTHER LAW, RULE, OR REGULATION OF ANY KIND, THE CONDITION THAT IS THE MORE RESTRICTIVE GOVERNS.

(D) *GENDER.*

WORDS DENOTING ONE GENDER INCLUDE AND APPLY TO THE OTHER GENDERS AS WELL.

(E) *MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.*

(1) *MANDATORY TERMS.*

“MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(2) *PROHIBITORY TERMS.*

“MUST NOT”, “MAY NOT”, AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(3) *PERMISSIVE TERMS.*

“MAY” IS PERMISSIVE.

(F) *NUMBER.*

THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

(G) *REFERENCES TO OTHER LAWS.*

WHENEVER A PROVISION OF THIS DIVISION II REFERS TO ANY PART OF THE CITY CODE OR TO ANY OTHER LAW, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT OF THE LAW REFERRED TO, UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.

(H) *SEVERABILITY.*

ALL PROVISIONS OF THIS DIVISION II ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

(I) *TIME COMPUTATIONS.*

(1) *COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.*

- (I) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS DIVISION II, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT INCLUDED.
- (II) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.
- (III) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.
- (IV) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(2) *COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.*

- (I) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT IS REQUIRED BY THIS DIVISION II TO BE PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO PRESCRIBED.
- (II) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST PRECEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

§ 21-3. INCORPORATION BY REFERENCE.

(A) IN GENERAL.

FOR PURPOSES OF THIS DIVISION II, THE FOLLOWING DOCUMENTS ARE INCORPORATED BY REFERENCE:

- (1) THE DESIGN MANUAL, WHICH SERVES AS THE OFFICIAL CITY GUIDE FOR STORMWATER PRINCIPLES, METHODS, AND PRACTICES; AND
- (2) THE USDA NATURAL RESOURCES CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE STANDARD POND CODE 378 (JANUARY 2000).

(B) DEFINED TERMS.

- (1) TERMS USED IN THE DESIGN MANUAL HAVE THE MEANINGS ASCRIBED TO THEM IN THE DESIGN MANUAL OR OTHERWISE BY THE STATE WATER MANAGEMENT ADMINISTRATION.
- (2) THESE TERMS INCLUDE:
 - (I) “AGRICULTURAL LAND MANAGEMENT ACTIVITIES”.
 - (II) “AQUIFER”.
 - (III) “DETENTION STRUCTURE”.
 - (IV) “DIRECT DISCHARGE”.
 - (V) “EXTENDED DETENTION”.
 - (VI) “GRADE”.

§ 21-4. PURPOSE; AUTHORITY.

(A) PURPOSE.

THE PURPOSE OF THIS DIVISION II IS TO:

- (1) PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE THROUGH THE MANAGEMENT OF STORMWATER;
- (2) PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE;
- (3) REDUCE THE ADVERSE EFFECTS OF DEVELOPMENT;
- (4) CONTROL STREAM CHANNEL EROSION;
- (5) REDUCE LOCAL FLOODING; AND

- (6) MAINTAIN AFTER DEVELOPMENT, AS NEARLY AS POSSIBLE, PRE-DEVELOPMENT RUNOFF CHARACTERISTICS.

(B) *AUTHORITY.*

THIS DIVISION II IS ADOPTED UNDER THE AUTHORITY OF STATE ENVIRONMENT ARTICLE, TITLE 4, SUBTITLE 2.

§ 21-5. ADMINISTRATION.

(A) *IN GENERAL.*

THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS IS RESPONSIBLE FOR ADMINISTERING AND ENFORCING THIS DIVISION II.

(B) *RULES AND REGULATIONS.*

- (1) THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS DIVISION II.
- (2) A COPY OF THESE RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

§ 21-6. SCOPE.

(A) *IN GENERAL.*

EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THIS DIVISION II APPLIES TO ALL DEVELOPMENT WITHIN THE CORPORATE LIMITS OF BALTIMORE CITY.

(B) *EXEMPTIONS.*

THE FOLLOWING ACTIVITIES ARE EXEMPT FROM THIS DIVISION II:

- (1) AGRICULTURAL LAND MANAGEMENT ACTIVITIES THAT EMPLOY METHODS AND PROCEDURES TO FURTHER CROP AND LIVESTOCK PRODUCTION AND CONSERVATION OF TO CONSERVE RELATED SOIL AND WATER RESOURCES;
- (2) CONSTRUCTION, GRADING, OR DEVELOPMENTS THAT DOES NOT DISTURB MORE THAN 5,000 SQUARE FEET OF LAND; AND
- (3) DEVELOPMENT REGULATED UNDER A STATE LAW THAT PROVIDES FOR MANAGING STORMWATER RUNOFF.

SUBTITLE 22. STORMWATER MANAGEMENT PLANS

§ 22-1. PLAN REQUIRED.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS DIVISION II, NO PERSON MAY DEVELOP ANY LAND UNLESS THE PERSON:

- (1) ESTABLISHES STORMWATER MANAGEMENT MEASURES THAT CONTROL OR MANAGE RUNOFF FROM THE DEVELOPMENT; AND
- (2) INCORPORATES THOSE MEASURES INTO A STORMWATER MANAGEMENT PLAN APPROVED BY THE DEPARTMENT.

§ 22-2. DESIGN AND CONSTRUCTION.

THESE STORMWATER MANAGEMENT MEASURES MUST:

- (1) MEET THE DESIGN REQUIREMENTS OF THE DESIGN MANUAL; AND
- (2) BE CONSTRUCTED ACCORDING TO:
 - (i) AN APPROVED PLAN FOR NEW DEVELOPMENT; OR
 - (ii) THE POLICIES STATED IN § 23-7 OF THIS DIVISION II FOR REDEVELOPMENT.

§ 22-3. MINIMUM CONTROL REQUIREMENTS.

(A) *IN GENERAL.*

THE MINIMUM CONTROL REQUIREMENTS FOR THESE MANAGEMENT MEASURES ARE AS PROVIDED IN THIS SECTION AND THE DESIGN MANUAL.

(B) *VOLUME SIZING CRITERIA.*

THE DESIGN MANUAL'S SIZING CRITERIA FOR RECHARGE VOLUME, WATER QUALITY VOLUME, AND CHANNEL PROTECTION STORAGE VOLUME MUST BE USED TO DESIGN BEST MANAGEMENT PRACTICES.

(C) *10-YEAR FREQUENCY STORM EVENT.*

RUNOFF FROM THE 10-YEAR FREQUENCY STORM EVENT MUST BE CONTROLLED IN ACCORDANCE WITH THE DESIGN MANUAL IF THE DEPARTMENT DETERMINES THAT HISTORICAL FLOODING PROBLEMS EXIST AND DOWNSTREAM FLOODPLAIN DEVELOPMENT AND CONVEYANCE SYSTEM DESIGN CANNOT BE CONTROLLED.

(D) *ADDITIONAL CONTROL REQUIREMENTS.*

THE DEPARTMENT MAY REQUIRE MORE THAN THE MINIMUM CONTROL REQUIREMENTS OF THE DESIGN MANUAL IF:

- (1) HYDROLOGIC OR TOPOGRAPHIC CONDITIONS WARRANT; OR
- (2) FLOODING, STREAM CHANNEL EROSION, OR WATER QUALITY PROBLEMS EXIST DOWNSTREAM FROM A PROPOSED PROJECT.

(E) *CONSISTENCY WITH FHMA PLANS.*

WHERE APPLICABLE, STORMWATER MANAGEMENT AND DEVELOPMENT PLANS MUST BE CONSISTENT WITH WATERSHED MANAGEMENT PLANS AND FLOOD MANAGEMENT PLANS APPROVED BY THE STATE WATER MANAGEMENT ADMINISTRATION UNDER THE FLOOD HAZARD MANAGEMENT ACT OF 1976.

§ 22-4. STRUCTURAL AND NONSTRUCTURAL PRACTICES.

(A) *IN GENERAL.*

- (1) IN DESIGNING STORMWATER MANAGEMENT MEASURES, STRUCTURAL AND NONSTRUCTURAL PRACTICES MUST BE USED, EITHER ALONE OR IN COMBINATION.
- (2) THESE STRUCTURAL AND NONSTRUCTURAL PRACTICES, THEIR SELECTION, BASIC DESIGN CRITERIA, METHODOLOGIES, AND CONSTRUCTION SPECIFICATIONS:
 - (I) MUST COMPLY WITH THE DESIGN MANUAL; AND
 - (II) ARE SUBJECT TO APPROVAL OF THE DEPARTMENT AND THE STATE WATER MANAGEMENT ADMINISTRATION.

(B) *STRUCTURAL PRACTICES.*

- (1) THE FOLLOWING STRUCTURAL STORMWATER MANAGEMENT PRACTICES MUST BE DESIGNED TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN § 22-3 OF THIS SUBTITLE.
 - (I) STORMWATER MANAGEMENT PONDS;
 - (II) STORMWATER MANAGEMENT WETLANDS;
 - (III) STORMWATER MANAGEMENT INFILTRATION;
 - (IV) STORMWATER MANAGEMENT FILTERING SYSTEMS;
 - (V) STORMWATER MANAGEMENT OPEN CHANNEL SYSTEMS; AND
 - (VI) OTHER PRACTICES PROVIDED IN THE DESIGN MANUAL.

(2) IN SELECTING STRUCTURAL PRACTICES, CONSIDERATION MUST BE GIVEN TO THE PERFORMANCE CRITERIA SPECIFIED IN THE DESIGN MANUAL FOR:

- (I) GENERAL FEASIBILITY;
- (II) CONVEYANCE;
- (III) PRETREATMENT;
- (IV) TREATMENT AND GEOMETRY;
- (V) ENVIRONMENT AND LANDSCAPING; AND
- (VI) MAINTENANCE.

(3) STRUCTURAL PRACTICES MUST ACCOMMODATE THE UNIQUE HYDROLOGIC OR GEOLOGIC REGIONS OF THE CITY.

(C) *NONSTRUCTURAL PRACTICES.*

(1) THE FOLLOWING NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES MUST BE APPLIED TO MINIMIZE INCREASES IN NEW DEVELOPMENT RUNOFF:

- (i) NATURAL AREA CONSERVATION;
- (ii) DISCONNECTION OF ROOFTOP RUNOFF;
- (III) DISCONNECTION OF NON-ROOFTOP RUNOFF;
- (IV) SHEET FLOW TO BUFFERS;
- (V) GRASS CHANNELS; AND
- (VI) ENVIRONMENTALLY SENSITIVE DEVELOPMENT.

(2) THE USE OF NONSTRUCTURAL PRACTICES IS ENCOURAGED TO MINIMIZE THE RELIANCE ON STRUCTURAL BMPs.

(3) THE MINIMUM CONTROL REQUIREMENTS LISTED IN § 22-3 OF THIS SUBTITLE MAY BE REDUCED WHEN NONSTRUCTURAL PRACTICES ARE INCORPORATED INTO SITE DESIGNS ACCORDING TO THE DESIGN MANUAL.

(4) THE USE OF NONSTRUCTURAL PRACTICES MAY NOT CONFLICT WITH EXISTING STATE OR LOCAL LAWS, ORDINANCES, REGULATIONS, OR POLICIES.

(5) NONSTRUCTURAL PRACTICES USED TO REDUCE THE MINIMUM CONTROL REQUIREMENTS:

(I) MUST BE RECORDED IN THE LAND RECORDS OF BALTIMORE CITY;

(II) ARE BINDING ON SUBSEQUENT PROPERTY OWNERS; AND

(III) MAY NOT BE ALTERED WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT.

(D) *ALTERNATIVE PRACTICES.*

(1) ALTERNATIVE STRUCTURAL AND NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES MAY BE USED FOR NEW DEVELOPMENT WATER QUALITY CONTROL IF THEY:

(i) MEET THE PERFORMANCE CRITERIA ESTABLISHED IN THE DESIGN MANUAL; AND

(ii) ARE APPROVED BY THE STATE WATER MANAGEMENT ADMINISTRATION.

(2) PRACTICES USED FOR REDEVELOPMENT PROJECTS MUST BE APPROVED BY THE DEPARTMENT.

(E) *IMPACT ANALYSIS.*

(1) FOR THE PURPOSES OF MODIFYING THE MINIMUM CONTROL REQUIREMENTS OR DESIGN CRITERIA, THE DEVELOPER MUST SUBMIT TO THE DEPARTMENT AN ANALYSIS OF THE IMPACTS OF STORMWATER FLOWS DOWNSTREAM IN THE WATERSHED.

(2) THE ANALYSIS MUST INCLUDE THE HYDROLOGIC AND HYDRAULIC CALCULATIONS NECESSARY TO DETERMINE THE IMPACT OF HYDROGRAPH TIMING MODIFICATIONS OF THE PROPOSED DEVELOPMENT UPON A DAM, HIGHWAY, STRUCTURE, OR NATURAL POINT OF RESTRICTED STREAMFLOW.

(3) THE POINT OF INVESTIGATION IS TO BE ESTABLISHED, WITH THE DEPARTMENT'S CONCURRENCE, DOWNSTREAM OF THE FIRST DOWNSTREAM TRIBUTARY WHOSE DRAINAGE AREA EQUALS OR EXCEEDS THE CONTRIBUTING AREA TO THE PROJECT OR STORMWATER MANAGEMENT FACILITY.

§ 22-5. CONTENTS OF PLAN.

(A) *IN GENERAL.*

THE PLAN SUBMITTED FOR REVIEW AND APPROVAL MUST CONTAIN SUPPORTING COMPUTATIONS, DRAWINGS, AND SUFFICIENT INFORMATION TO DESCRIBE THE MANNER, LOCATION, AND TYPE OF MEASURES IN WHICH STORMWATER RUNOFF WILL BE MANAGED FROM THE ENTIRE DEVELOPMENT.

(B) *REPORT AND CONSTRUCTION DRAWINGS.*

THE PLAN MUST BE ACCOMPANIED BY A REPORT AND CONSTRUCTION DRAWINGS THAT INCLUDE SUFFICIENT INFORMATION TO EVALUATE:

(1) THE ENVIRONMENTAL CHARACTERISTICS OF AFFECTED AREAS;

- (2) THE POTENTIAL IMPACTS OF THE PROPOSED DEVELOPMENT ON WATER RESOURCES;
AND
- (3) THE EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED FOR MANAGING
STORMWATER RUNOFF.

(C) *WAIVERS AND VARIANCES.*

THE PLAN MUST BE ACCOMPANIED BY AN APPLICATION FOR ANY WAIVER OR VARIANCE
SOUGHT UNDER SUBTITLE 23 OR SUBTITLE 24.

§ 22-6. REPORT.

THE REPORT MUST CONTAIN THE FOLLOWING, MINIMUM INFORMATION:

- (1) A BRIEF NARRATIVE DESCRIPTION OF THE PROJECT;
- (2) GEOTECHNICAL INVESTIGATIONS, INCLUDING SOIL MAPS, BORINGS, SITE SPECIFIC
RECOMMENDATIONS, AND ANY ADDITIONAL INFORMATION NECESSARY TO EVALUATE
THE PROPOSED STORMWATER MANAGEMENT DESIGN;
- (3) DESCRIPTIONS OF ALL WATER COURSES, IMPOUNDMENTS, AND WETLANDS ON OR
ADJACENT TO THE SITE OR INTO WHICH STORMWATER DIRECTLY FLOWS;
- (4) HYDROLOGIC COMPUTATIONS, INCLUDING DRAINAGE AREA MAPS THAT SHOW PRE-
DEVELOPMENT AND POST-DEVELOPMENT RUNOFF FLOW PATH SEGMENTATION AND
LAND USE;
- (5) HYDRAULIC COMPUTATIONS;
- (6) STRUCTURAL COMPUTATIONS;
- (7) UNIFIED SIZING CRITERIA VOLUME COMPUTATIONS ACCORDING TO THE DESIGN
MANUAL; AND
- (8) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

§ 22-7. CONSTRUCTION DRAWINGS.

(A) *IN GENERAL.*

THE CONSTRUCTION DRAWINGS MUST INCLUDE THE FOLLOWING:

- (1) A VICINITY MAP;
- (2) A TOPOGRAPHY SURVEY THAT SHOWS EXISTING AND PROPOSED CONTOURS,
INCLUDING THE AREA NECESSARY TO DETERMINE DOWNSTREAM ANALYSIS FOR
PROPOSED STORMWATER MANAGEMENT FACILITIES;

- (3) ANY PROPOSED IMPROVEMENTS, INCLUDING THE LOCATION OF BUILDINGS OR OTHER STRUCTURES, IMPERVIOUS SURFACES, STORM DRAINAGE FACILITIES, AND ALL GRADING;
- (4) THE LOCATION OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES;
- (5) ANY EASEMENTS AND RIGHTS-OF-WAY;
- (6) THE DELINEATION, IF APPLICABLE, OF:
 - (I) THE 100-YEAR FLOODPLAIN; AND
 - (II) ANY ON-SITE WETLANDS;
- (7) STRUCTURAL AND CONSTRUCTION DETAILS FOR ALL COMPONENTS OF:
 - (I) THE PROPOSED DRAINAGE SYSTEM OR SYSTEMS; AND
 - (II) STORMWATER MANAGEMENT FACILITIES;
- (8) ALL NECESSARY CONSTRUCTION SPECIFICATIONS;
- (9) A SEQUENCE OF CONSTRUCTION;
- (10) DIMENSIONS OF:
 - (I) TOTAL SITE AREA;
 - (II) DISTURBED AREA;
 - (III) NEW IMPERVIOUS AREA; AND
 - (IV) TOTAL IMPERVIOUS AREA;
- (11) A TABLE THAT SHOWS THE UNIFIED SIZING CRITERIA VOLUMES REQUIRED BY THE DESIGN MANUAL;
- (12) A TABLE OF MATERIALS TO BE USED FOR STORMWATER MANAGEMENT FACILITY PLANTING;
- (13) ALL SOIL BORING LOGS AND LOCATIONS;
- (14) A MAINTENANCE SCHEDULE;
- (15) A PROPOSED CONSTRUCTION AND INSPECTION SCHEDULE;
- (16) AN AS-BUILT CERTIFICATION SIGNATURE BLOCK, TO BE EXECUTED AFTER THE PROJECT IS COMPLETED; AND

(17) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(B) *COVENANT OF COMPLIANCE.*

THE DEVELOPER MUST COVENANT ON THE DRAWINGS THAT ALL GRADING, DRAINAGE, CONSTRUCTION, AND DEVELOPMENT WILL BE DONE IN STRICT ACCORDANCE WITH THE PLAN.

§ 22-8. PREPARATION OF PLAN.

(A) *IN GENERAL.*

A STORMWATER MANAGEMENT PLAN MUST BE PREPARED BY A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR LANDSCAPE ARCHITECT LICENSED IN THE STATE.

(B) *PROFESSIONAL ENGINEER ONLY.*

IF BEST MANAGEMENT PRACTICES REQUIRE A DAM SAFETY PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, THE PLAN MUST BE PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE.

§ 22-9. EASEMENTS FOR RUNOFF.

(A) *EASEMENT REQUIRED.*

IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTING SOME OR ALL RUNOFF FROM THE SITE, THE DEVELOPER MUST OBTAIN FROM ADJACENT PROPERTY OWNERS ANY NEEDED EASEMENTS OR PROPERTY INTERESTS FOR WATER FLOW.

(B) *PLAN CREATES NO RIGHT.*

APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT CREATE OR AFFECT ANY RIGHT TO DIRECT RUNOFF ONTO ADJACENT PROPERTY WITHOUT THAT PROPERTY OWNER'S PERMISSION.

§ 22-10. REVIEW AND APPROVAL OF PLAN.

(A) *REVIEW.*

THE DEPARTMENT MUST REVIEW EACH PROPOSED PLAN TO DETERMINE ITS COMPLIANCE WITH THIS DIVISION II.

(B) *CONDITIONS.*

IN APPROVING A PLAN, THE DEPARTMENT MAY IMPOSE ANY CONDITIONS THAT IT CONSIDERS NECESSARY OR APPROPRIATE TO:

(1) ENSURE COMPLIANCE WITH THIS DIVISION II; AND

(2) PRESERVE THE PUBLIC HEALTH AND SAFETY.

(C) *NOTIFICATION.*

WITHIN 30 DAYS AFTER IT RECEIVES A COMPLETED STORMWATER MANAGEMENT PLAN, THE DEPARTMENT MUST NOTIFY THE APPLICANT OF:

(1) THE DEPARTMENT'S APPROVAL OF THE PLAN;

(2) THE DEPARTMENT'S DISAPPROVAL OF THE PLAN, TOGETHER WITH:

(i) THE REASONS FOR DISAPPROVAL; AND

(ii) ANY MODIFICATIONS THAT THE DEPARTMENT REQUIRES FOR APPROVAL; OR

(3) IF NO DECISION HAS YET BEEN MADE:

(i) THE STATUS OF THE REVIEW PROCESS; AND

(ii) THE ANTICIPATED DATE OF COMPLETION.

(D) *ENDORSEMENT.*

A STORMWATER MANAGEMENT PLAN IS NOT VALID UNTIL THE PLAN HAS BEEN ENDORSED AND DATED BY THE DEPARTMENT.

SUBTITLE 23. WAIVERS

§ 23-1. QUANTITATIVE CONTROL WAIVER.

THE DEPARTMENT MAY GRANT A WAIVER OF QUANTITATIVE CONTROL REQUIREMENTS FOR A PROJECT IF:

(1) THE PROJECT IS WITHIN AN AREA FOR WHICH A WATERSHED MANAGEMENT PLAN HAS BEEN DEVELOPED UNDER § 23-6 OF THIS SUBTITLE;

(2) THE PROJECT HAS A DIRECT DISCHARGE TO TIDAL WATERS OR OTHER TIDAL WETLANDS;
OR

(3) THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY CONTROL PRACTICES.

§ 23-2. QUALITATIVE CONTROL WAIVER.

THE DEPARTMENT MAY GRANT A WAIVER OF QUALITATIVE CONTROL REQUIREMENTS FOR A PROJECT IF:

- (1) THE PROJECT IS AN IN-FILL DEVELOPMENT PROJECT FOR WHICH STORMWATER MANAGEMENT IMPLEMENTATION IS NOT FEASIBLE;
- (2) THE PROJECT IS A REDEVELOPMENT PROJECT FOR WHICH THE REQUIREMENTS OF § 23-7 OF THIS SUBTITLE ARE SATISFIED; OR
- (3) THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUALITY CONTROL PRACTICES.

§ 23-3. CONDITIONS OF WAIVER.

(A) *CASE-BY-CASE.*

A WAIVER MAY BE GRANTED ONLY ON A CASE-BY-CASE BASIS, AFTER CONSIDERING THE CUMULATIVE EFFECTS OF THE DEPARTMENT'S WAIVER POLICY.

(B) *IMPACT.*

A WAIVER MAY BE GRANTED ONLY IF IT REASONABLY ENSURES THAT THE DEVELOPMENT WILL NOT ADVERSELY IMPACT STREAM QUALITY.

(C) *FEE IN-LIEU.*

THE DEPARTMENT MAY REQUIRE A PERSON WHO IS GRANTED A WAIVER TO PAY A FEE IN-LIEU-OF ON-SITE MANAGEMENT.

§ 23-4. APPLICATION FOR WAIVER.

(A) *IN GENERAL.*

THE APPLICATION FOR A WAIVER MUST:

- (1) BE IN THE FORM THAT THE DEPARTMENT REQUIRES;
- (2) CONTAIN THE DESCRIPTIONS, DRAWINGS, AND OTHER INFORMATION NEEDED TO EVALUATE THE PROPOSED WAIVER;
- (3) CONTAIN ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES; AND
- (4) BE SUBMITTED TO THE DEPARTMENT WITH THE DEVELOPER'S PROPOSED STORMWATER MANAGEMENT PLAN.

(B) *SEPARATE APPLICATIONS FOR ADDITIONS, ETC.*

A SEPARATE APPLICATION IS REQUIRED FOR SUBSEQUENT ADDITIONS, EXTENSIONS, OR MODIFICATIONS TO A DEVELOPMENT.

§ 23-5. {RESERVED}

§ 23-6. WATERSHED MANAGEMENT PLAN.

(A) IN GENERAL.

- (1) THE DEPARTMENT MAY DEVELOP A WATERSHED MANAGEMENT PLAN FOR THE PURPOSE OF IMPLEMENTING DIFFERENT POLICIES FOR WAIVERS AND REDEVELOPMENT.
- (2) IF THE DEPARTMENT ESTABLISHES A WATERSHED MANAGEMENT PLAN FOR A SPECIFIC WATERSHED, THE DEPARTMENT MAY DEVELOP QUANTITATIVE CONTROL WAIVERS AND REDEVELOPMENT PROVISIONS THAT DIFFER FROM § 23-1(2) AND (3) AND § 23-7.

(B) REQUISITES.

FOR THIS PURPOSE, THE WATERSHED MANAGEMENT PLAN MUST:

- (1) INCLUDE DETAILED HYDROLOGIC AND HYDRAULIC ANALYSES TO DETERMINE HYDROGRAPH TIMING;
- (2) INCLUDE AN EVALUATION OF BOTH QUANTITY AND QUALITY MANAGEMENT;
- (3) INCLUDE A CUMULATIVE IMPACT ASSESSMENT OF WATERSHED DEVELOPMENT;
- (4) IDENTIFY EXISTING FLOODING CONDITIONS AND RECEIVING STREAM CHANNEL CONDITIONS;
- (5) BE PREPARED AT A REASONABLE SCALE;
- (6) SPECIFY WHERE ON-SITE OR OFF-SITE QUANTITATIVE AND QUALITATIVE CONTROLS ARE TO BE IMPLEMENTED;
- (7) BE CONSISTENT WITH THE GENERAL PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT IN MARYLAND, FOUND IN SECTION 1.2 OF THE DESIGN MANUAL;
AND
- (8) BE APPROVED BY THE STATE WATER MANAGEMENT ADMINISTRATION.

§ 23-7. REDEVELOPMENT.

(A) WAIVED REQUIREMENTS.

UNLESS OTHERWISE SPECIFIED BY THE DEPARTMENT, A REDEVELOPMENT PROJECT NEED NOT COMPLY WITH REQUIREMENTS OF THE DESIGN MANUAL FOR:

- (1) RECHARGE VOLUME;
- (2) CHANNEL PROTECTION STORAGE VOLUME; AND
- (3) OVBANK FLOOD PROTECTION VOLUME.

(B) APPLICABLE REQUIREMENTS – IN GENERAL.

- (1) ALL REDEVELOPMENT PROJECTS MUST REDUCE EXISTING SITE IMPERVIOUS AREAS BY AT LEAST 20%.
- (2) IF SITE CONDITIONS PREVENT THE REDUCTION OF IMPERVIOUS AREA, THEN STORMWATER MANAGEMENT PRACTICES MUST BE IMPLEMENTED TO PROVIDE QUALITATIVE CONTROL FOR AT LEAST 20% OF THE SITE'S IMPERVIOUS AREA.
- (3) IF A COMBINATION OF IMPERVIOUS AREA REDUCTION AND STORMWATER PRACTICE IMPLEMENTATION IS USED, THE COMBINED AREA MUST EQUAL OR EXCEED 20% OF THE SITE.

(C) APPLICABLE REQUIREMENTS – ALTERNATIVES.

IF CONDITIONS PREVENT IMPERVIOUS AREA REDUCTION OR ON-SITE STORMWATER MANAGEMENT, PRACTICAL ALTERNATIVES MAY BE CONSIDERED, INCLUDING:

- (1) FEES;
- (2) OFF-SITE IMPLEMENTATION OF BEST MANAGEMENT PRACTICES FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT IMPERVIOUSNESS TO THAT OF THE PROJECT;
- (3) WATERSHED OR STREAM RESTORATION;
- (4) RETROFITTING TO IMPROVE WATER QUALITY OVER CURRENT CONDITIONS BY:
 - (I) CONSTRUCTION OF STRUCTURAL BEST MANAGEMENT PRACTICES IN A PREVIOUSLY DEVELOPED AREA;
 - (II) MODIFICATION OF EXISTING STRUCTURAL BEST MANAGEMENT PRACTICES ;
OR
 - (III) IMPLEMENTATION OF A NONSTRUCTURAL PRACTICE; OR
- (5) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

SUBTITLE 24. VARIANCES

§ 24-1. WHEN AUTHORIZED.

THE DEPARTMENT MAY GRANT A VARIANCE FROM ANY REQUIREMENT OF THIS DIVISION II IF, BECAUSE OF EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO THE SITE, STRICT ADHERENCE TO THAT REQUIREMENT WILL RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THIS DIVISION II.

§ 24-2. APPLICATION FOR VARIANCE.

THE APPLICATION FOR A VARIANCE MUST:

- (1) BE IN THE FORM THAT THE DEPARTMENT REQUIRES;
- (2) STATE THE SPECIFIC VARIANCE SOUGHT;
- (3) EXPLAIN WHY THE VARIANCE IS NEEDED;
- (4) CONTAIN ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES; AND
- (5) BE SUBMITTED TO THE DEPARTMENT WITH THE DEVELOPER'S PROPOSED STORMWATER MANAGEMENT PLAN.

§ 24-3. JUSTIFICATION REQUIRED.

THE DEPARTMENT MAY NOT GRANT A VARIANCE UNLESS THE APPLICANT PROVIDES SUFFICIENT JUSTIFICATION FOR THE VARIANCE.

§ 24-4. OFFSET FEE.

THE DEPARTMENT MAY REQUIRE A PERSON WHO IS GRANTED A VARIANCE TO PAY AN OFFSET FEE TO THE CITY.

SUBTITLE 25. PERMITS; FEES; SECURITY

§ 25-1. APPROVED PLAN PREREQUISITE TO PERMITS.

(A) *GRADING AND BUILDING PERMITS.*

FOR ANY DEVELOPMENT THAT REQUIRES A STORMWATER MANAGEMENT PLAN UNDER THIS DIVISION II, A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED UNLESS A STORMWATER MANAGEMENT PLAN HAS BEEN APPROVED BY THE DEPARTMENT.

(B) *BUILDING PERMITS.*

A BUILDING PERMIT MAY NOT BE ISSUED WITHOUT:

- (1) RECORDED EASEMENTS, AS NEEDED:
 - (I) FOR THE STORMWATER MANAGEMENT FACILITY; AND
 - (II) TO PROVIDE ADEQUATE ACCESS FOR INSPECTION AND MAINTENANCE FROM A PUBLIC RIGHT-OF-WAY;
- (2) A RECORDED STORMWATER MANAGEMENT MAINTENANCE AGREEMENT;
- (3) A PERFORMANCE BOND; AND

(4) ALL NECESSARY PERMISSIONS FROM ADJACENT PROPERTY OWNERS.

§ 25-2. FEES.

(A) *IN GENERAL.*

NON-REFUNDABLE FEES WILL BE ASSESSED AND COLLECTED BY THE DEPARTMENT AT THE TIME THE STORMWATER MANAGEMENT PLAN IS SUBMITTED.

(B) *FEE SCHEDULE.*

THE FEES ASSESSED UNDER THIS DIVISION II:

- (1) ARE IN ADDITION TO THE USUAL FEES CHARGED FOR GRADING OR BUILDING PERMITS; AND
- (2) SHALL BE ASSESSED FOR PLAN REVIEWS, WAIVERS, OFFSETS, STORMWATER PERMITS, INSPECTIONS, FEES IN LIEU, AND THE LIKE, IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED FROM TIME TO TIME BY THE BOARD OF ESTIMATES.

§ 25-3. PERFORMANCE SECURITY.

(A) *REQUIRED.*

FOR ANY DEVELOPMENT THAT REQUIRES A STORMWATER MANAGEMENT PLAN UNDER THIS DIVISION II, A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED UNTIL THE APPLICANT POSTS A SURETY OR CASH BOND, IRREVOCABLE LETTER OF CREDIT, OR OTHER MEANS OF SECURITY ACCEPTABLE TO THE DEPARTMENT.

(B) *AMOUNT.*

THE AMOUNT OF THE SECURITY MAY NOT BE LESS THAN THE TOTAL ESTIMATED CONSTRUCTION COST OF THE STORMWATER MANAGEMENT FACILITY. THIS ESTIMATE MUST BE PREPARED BY THE APPLICANT AND SUBMITTED WITH THE PLAN.

(C) *TENOR.*

THE SECURITY REQUIRED BY THIS SECTION MUST PROVIDE FOR FORFEITURE ON FAILURE TO:

- (1) COMPLETE ALL WORK SPECIFIED IN THE APPROVED STORMWATER MANAGEMENT PLAN;
- (2) COMPLY WITH ANY PROVISION OF THIS DIVISION II OR OF ANY OTHER APPLICABLE LAW OR REGULATION; OR
- (3) COMPLY WITH ANY APPLICABLE TIME LIMITATIONS.

(D) *FULL RELEASE.*

THE SECURITY MAY NOT BE FULLY RELEASED UNTIL:

- (1) THE DEPARTMENT CONDUCTS A FINAL INSPECTION OF THE COMPLETED WORK;
- (2) THE DEVELOPER SUBMITS “AS-BUILT” PLANS TO THE DEPARTMENT; AND
- (3) THE DEPARTMENT CERTIFIES THAT THE STORMWATER MANAGEMENT FACILITIES:
 - (I) HAVE BEEN COMPLETED; AND
 - (II) COMPLY WITH THE APPROVED PLAN AND THIS DIVISION II.

(E) *PARTIAL RELEASE.*

- (1) THE DEPARTMENT MAY ESTABLISH A PROCEDURE FOR RELEASING THE SECURITY IN PARTS, PRORATED ON COMPLETION AND ACCEPTANCE OF THE VARIOUS STAGES OF DEVELOPMENT AND CONSTRUCTION, AS SPECIFICALLY DELINEATED, DESCRIBED, AND SCHEDULED ON THE STORMWATER MANAGEMENT PLAN.
- (2) THIS PROCEDURE MUST BE ESTABLISHED BEFORE APPROVAL OF THE STORMWATER MANAGEMENT PLAN.
- (3) TO OBTAIN A PARTIAL RELEASE, THE APPLICANT MUST NOTIFY THE DEPARTMENT, ON COMPLETION OF EACH STAGE, THAT THE FACILITY IS READY FOR INSPECTION.

§ 25-4. PERMIT SUSPENSION OR REVOCATION.

AFTER WRITTEN NOTICE TO THE PERMIT HOLDER, THE DEPARTMENT MAY SUSPEND OR REVOKE ANY GRADING OR BUILDING PERMIT FOR ANY OF THE FOLLOWING REASONS:

- (1) ANY VIOLATION OF THE CONDITIONS OF THE STORMWATER MANAGEMENT PLAN APPROVAL;
- (2) ANY CHANGE IN THE SITE RUNOFF CHARACTERISTICS ON WHICH A PLAN OR WAIVER WAS APPROVED;
- (3) CONSTRUCTION NOT IN ACCORDANCE WITH THE APPROVED PLAN;
- (4) FAILURE TO COMPLY WITH A CORRECTION NOTICE OR STOP WORK ORDER ISSUED FOR THE FACILITY; OR
- (5) A FINDING BY THE DEPARTMENT THAT AN IMMEDIATE DANGER EXISTS IN A DOWNSTREAM AREA.

SUBTITLE 26. INSPECTIONS

§ 26-1. BY WHOM CONDUCTED.

ALL INSPECTIONS UNDER THIS DIVISION II MUST BE CONDUCTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT.

§ 26-2. NOTICES BY DEVELOPER.

THE DEVELOPER MUST NOTIFY THE DEPARTMENT:

- (1) AT LEAST 48 HOURS BEFORE STARTING ANY WORK IN CONJUNCTION WITH THE STORMWATER MANAGEMENT PLAN; AND
- (2) ON COMPLETION OF THE PROJECT.

§ 26-3. INSPECTIONS DURING CONSTRUCTION.

(A) IN GENERAL.

AT A MINIMUM, REGULAR INSPECTIONS MUST BE MADE AT THE STAGES OF CONSTRUCTION SPECIFIED IN THIS SECTION.

(B) PONDS.

FOR PONDS:

- (1) ON COMPLETION OF EXCAVATION TO SUB-FOUNDATION AND, WHEN REQUIRED, INSTALLATION OF STRUCTURAL SUPPORTS OR REINFORCEMENT FOR STRUCTURES, INCLUDING:
 - (I) CORE TRENCHES FOR STRUCTURAL EMBANKMENTS;
 - (ii) INLET AND OUTLET STRUCTURES, ANTI-SEEP COLLARS OR DIAPHRAGMS, AND WATERTIGHT CONNECTORS ON PIPES; AND
 - (III) TRENCHES FOR ENCLOSED STORM DRAINAGE FACILITIES;
- (2) DURING PLACEMENT OF STRUCTURAL FILL OR CONCRETE AND INSTALLATION OF PIPING AND CATCH BASINS;
- (3) DURING BACKFILL OF FOUNDATIONS AND TRENCHES;
- (4) DURING EMBANKMENT CONSTRUCTION; AND
- (5) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(C) *WETLANDS.*

FOR WETLANDS:

- (1) AT THE STAGES SPECIFIED IN SUBSECTION (B) OF THIS SECTION FOR POND CONSTRUCTION;
- (2) DURING AND AFTER WETLAND RESERVOIR AREA PLANTING; AND
- (3) DURING THE SECOND GROWING SEASON TO VERIFY A VEGETATION SURVIVAL RATE OF AT LEAST 50%.

(D) *INFILTRATION TRENCHES.*

FOR INFILTRATION TRENCHES:

- (1) DURING EXCAVATION TO SUBGRADE;
- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS AND OBSERVATION WELLS;
- (3) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;
- (4) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS, SUCH AS DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, AND FLOW DISTRIBUTION STRUCTURES; AND
- (5) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(E) *INFILTRATION BASINS.*

FOR INFILTRATION BASINS:

- (1) AT THE STAGES SPECIFIED IN SUBSECTION (B) OF THIS SECTION FOR POND CONSTRUCTION; AND
- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS.

(F) *FILTERING SYSTEMS.*

FOR FILTERING SYSTEMS:

- (1) DURING EXCAVATION TO SUBGRADE;
- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS;
- (3) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;

- (4) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS, SUCH AS FLOW DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, ORIFICES, AND FLOW DISTRIBUTION STRUCTURES; AND
- (5) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(G) *OPEN CHANNEL SYSTEMS.*

FOR OPEN CHANNEL SYSTEMS:

- (1) DURING EXCAVATION TO SUBGRADE;
- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS FOR DRY SWALES;
- (3) DURING INSTALLATION OF DIAPHRAGMS, CHECK DAMS, OR WEIRS; AND
- (4) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(H) *NONSTRUCTURAL PRACTICES.*

FOR NONSTRUCTURAL PRACTICES:

- (1) ON COMPLETION OF FINAL GRADING;
- (2) ON ESTABLISHMENT OF PERMANENT STABILIZATION; AND
- (3) BEFORE ISSUANCE OF USE AND OCCUPANCY APPROVAL.

§ 26-4. INSPECTION REPORTS.

(A) *REPORTS REQUIRED.*

WRITTEN REPORTS MUST BE MADE OF ALL INSPECTIONS CONDUCTED DURING CONSTRUCTION.

(B) *SCOPE.*

EACH INSPECTION REPORT MUST SPECIFY:

- (1) THE DATE AND LOCATION OF THE INSPECTION;
- (2) WHETHER THE CONSTRUCTION COMPLIES WITH THE APPROVED STORMWATER MANAGEMENT PLAN;
- (3) ANY VARIATIONS FROM THE APPROVED CONSTRUCTION SPECIFICATIONS;
- (4) ANY VIOLATIONS FOUND; AND

(5) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(C) *NOTICE TO DEVELOPER.*

THE DEPARTMENT MUST PROVIDE THE DEVELOPER WITH THE RESULTS OF EACH INSPECTION REPORT AS SOON AS POSSIBLE AFTER THE INSPECTION.

§ 26-5. WORK STOPPAGE PENDING INSPECTION.

AT THE COMPLETION OF EACH CONSTRUCTION STAGE FOR WHICH AN INSPECTION IS REQUIRED, NO FURTHER WORK MAY BE DONE UNTIL THE DEPARTMENT INSPECTS AND APPROVES THE WORK COMPLETED TO DATE.

§ 26-6. FINAL INSPECTION.

A FINAL INSPECTION MUST BE CONDUCTED AFTER CONSTRUCTION IS COMPLETED.

§ 26-7. AS-BUILT CERTIFICATION.

(A) *REQUIRED.*

ONCE CONSTRUCTION IS COMPLETE, THE DEVELOPER MUST SUBMIT TO THE DEPARTMENT AN AS-BUILT PLAN CERTIFICATION BY A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE.

(B) *TENOR.*

THE CERTIFICATION MUST CERTIFY THAT THE COMPLETED STORMWATER MANAGEMENT PRACTICES AND CONVEYANCE SYSTEMS COMPLY WITH THE SPECIFICATIONS CONTAINED IN THE APPROVED PLAN.

(C) *CONTENTS.*

THE CERTIFICATION MUST INCLUDE:

- (1) A SET OF DRAWINGS THAT COMPARE THE APPROVED STORMWATER MANAGEMENT PLAN WITH WHAT HAS BEEN CONSTRUCTED; AND
- (2) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

§ 26-8. NOTICE TO STATE ADMINISTRATION.

(A) *IN GENERAL.*

FOR EACH STORMWATER MANAGEMENT PRACTICE COMPLETED, THE DEPARTMENT MUST SUBMIT A NOTICE OF CONSTRUCTION TO THE STATE WATER MANAGEMENT ADMINISTRATION.

(B) *WHEN AND HOW.*

THE NOTICE MUST BE SUBMITTED:

- (1) WITHIN 45 DAYS OF CONSTRUCTION COMPLETION; AND
- (2) ON THE FORM THAT THE ADMINISTRATION SUPPLIES.

SUBTITLE 27. MAINTENANCE

§ 27-1. MAINTENANCE RESPONSIBILITY.

(A) *IN GENERAL.*

THE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT FACILITIES IS THE RESPONSIBILITY OF:

- (1) THE OWNER OF THE PROPERTY; AND
- (2) ANY OTHER PERSON IN CONTROL OF THE PROPERTY.

(B) *SCOPE OF RESPONSIBILITY.*

THE OWNER OR OTHER PERSON IN CONTROL MUST MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR AND RESTORE ALL:

- (1) GRADE SURFACES, WALLS, DRAINS, DAMS, AND STRUCTURES;
- (2) VEGETATION;
- (3) EROSION AND SEDIMENT CONTROL MEASURES; AND
- (4) OTHER PROTECTIVE DEVICES.

(C) *COMPLIANCE WITH PLAN.*

ALL MAINTENANCE, REPAIRS, AND RESTORATION MUST BE IN ACCORDANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN.

§ 27-2. MAINTENANCE SCHEDULE.

(A) *REQUIRED.*

A MAINTENANCE SCHEDULE MUST BE DEVELOPED FOR THE LIFE OF EVERY STORMWATER MANAGEMENT FACILITY.

(B) *CONTENTS.*

THE SCHEDULE MUST SPECIFY:

- (1) THE MAINTENANCE TO BE COMPLETED;
- (2) THE TIME FOR COMPLETING THAT MAINTENANCE; AND
- (3) THE PERSON WHO WILL PERFORM THAT MAINTENANCE.

(C) *SCHEDULE TO BE PART OF APPROVED PLAN.*

THE MAINTENANCE SCHEDULE MUST BE PRINTED ON THE APPROVED STORMWATER MANAGEMENT PLAN.

§ 27-3. MAINTENANCE AGREEMENT .

(A) *PREREQUISITE FOR PERMIT.*

BEFORE ANY GRADING OR BUILDING PERMIT MAY BE ISSUED FOR A PRIVATE STORMWATER MANAGEMENT FACILITY, THE OWNER MUST EXECUTE AN INSPECTION AND MAINTENANCE AGREEMENT BINDING ON ALL CURRENT AND SUBSEQUENT OWNERS OF LAND SERVED BY THE FACILITY.

(B) *COVERAGE.*

THE AGREEMENT MUST PROVIDE FOR ACCESS TO THE FACILITY, AT ALL REASONABLE TIMES, FOR REGULAR INSPECTIONS BY THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE TO ENSURE THAT THE FACILITY IS MAINTAINED IN PROPER WORKING CONDITION TO MEET DESIGN STANDARDS.

(C) *PERFORMANCE BOND.*

- (1) A PERFORMANCE BOND, WITH AMOUNT, TERMS, AND PROVISIONS ACCEPTABLE TO THE DEPARTMENT, MUST BE PROVIDED.
- (2) THE AGREEMENT MUST PROVIDE FOR FORFEITURE OF THE PERFORMANCE BOND IF, AFTER WRITTEN NOTICE BY THE DEPARTMENT TO CORRECT ANY NONCONFORMANCE WITH AN APPROVED PLAN, THE OWNER FAILS TO MAKE SATISFACTORY CORRECTIONS WITHIN A REASONABLE TIME, NOT TO EXCEED 30 DAYS, UNLESS EXTENDED FOR GOOD CAUSE SHOWN.

(D) *RECORDATION.*

THE OWNER MUST RECORD THE AGREEMENT IN THE LAND RECORDS OF BALTIMORE CITY.

§ 27-4. MAINTENANCE INSPECTIONS.

(A) *PERIODIC INSPECTIONS REQUIRED.*

- (1) THE DEPARTMENT MUST PERIODICALLY INSPECT ALL STORMWATER MANAGEMENT SYSTEMS TO ENSURE THAT PREVENTATIVE MAINTENANCE IS BEING PERFORMED.

(2) THESE INSPECTIONS MUST BE MADE:

- (i) AT LEAST ONCE DURING THE 1ST YEAR OF OPERATION; AND
- (ii) AT LEAST ONCE EVERY 3 YEARS FOLLOWING.

(B) *INSPECTION REPORTS.*

(1) THE DEPARTMENT MUST MAINTAIN INSPECTION REPORTS FOR ALL STORMWATER MANAGEMENT SYSTEMS.

(2) THESE INSPECTION REPORTS MUST INCLUDE THE FOLLOWING:

- (i) THE DATE OF INSPECTION;
- (ii) THE NAME OF THE INSPECTOR;

(III) THE CONDITION OF:

- A. VEGETATION AND FILTER MEDIA;
- B. FENCES AND OTHER SAFETY DEVICES;
- C. SPILLWAYS, VALVES, AND OTHER CONTROL STRUCTURES;
- D. EMBANKMENTS, SLOPES, AND SAFETY BENCHES;
- E. RESERVOIR AND TREATMENT AREAS;
- F. INLET AND OUTLET CHANNELS AND STRUCTURES;
- G. UNDERGROUND DRAINAGE;
- H. SEDIMENT AND DEBRIS ACCUMULATION IN STORAGE AND FOREBAY AREAS;
- I. ANY NONSTRUCTURAL PRACTICES TO THE EXTENT PRACTICABLE; AND
- J. ANY OTHER ITEM THAT COULD AFFECT THE PROPER FUNCTION OF THE STORMWATER MANAGEMENT SYSTEM; AND

(IV) A DESCRIPTION OF NEEDED MAINTENANCE.

§ 27-5. DEFICIENCIES.

(A) NOTICE OF DEFICIENCY.

THE DEPARTMENT MUST PROMPTLY NOTIFY THE OWNER OF ANY DEFICIENCIES DISCOVERED FROM A MAINTENANCE INSPECTION.

(B) OWNER TO CORRECT.

THE OWNER MUST CORRECT THE DEFICIENCIES:

- (1) WITHIN 30 DAYS OF THE NOTICE; OR
- (2) BY ANY OTHER TIME TO WHICH THE DEPARTMENT AND THE OWNER AGREE.

(C) REINSPECTION.

THE DEPARTMENT MUST CONDUCT A SUBSEQUENT INSPECTION TO ENSURE COMPLETION OF ALL REQUIRED REPAIRS.

(D) ENFORCEMENT ACTION.

IF REPAIRS ARE NOT MADE OR ARE NOT DONE PROPERLY, THE DEPARTMENT MAY TAKE ANY ENFORCEMENT ACTION AUTHORIZED BY LAW.

(E) IMMEDIATE DANGER TO HEALTH OR SAFETY.

- (4) IF, BECAUSE OF AN UNSAFE CONDITION OR IMPROPER MAINTENANCE, THE STORMWATER MANAGEMENT FACILITY PRESENTS AN IMMEDIATE DANGER TO THE PUBLIC HEALTH OR SAFETY, THE DEPARTMENT MAY TAKE WHATEVER ACTION IS NECESSARY TO PROTECT THE PUBLIC AND MAKE THE FACILITY SAFE.
- (5) THE DEPARTMENT MAY ASSESS AGAINST THE OWNER THE COSTS INCURRED UNDER THIS SUBSECTION.

SUBTITLE 28. ENFORCEMENT; REVIEWS; PENALTIES

§ 28-1. VIOLATION NOTICES.

(A) NOTICE REQUIRED.

IF A VIOLATION IS FOUND, THE DEPARTMENT MUST PROVIDE WRITTEN NOTICE OF THE VIOLATION TO:

- (4) THE DEVELOPER OR OWNER; AND
- (5) THE ON-SITE PERSONNEL.

(B) *CONTENTS.*

A VIOLATION NOTICE MUST DESCRIBE:

- (1) THE NATURE OF THE VIOLATION; AND
- (2) THE REQUIRED CORRECTIVE ACTION.

§ 28-2. ENFORCEMENT OF NOTICE.

(A) *IN GENERAL.*

THE DEPARTMENT MAY TAKE ANY ONE OR A COMBINATION OF THE FOLLOWING ACTIONS TO ENFORCE A VIOLATION NOTICE.

(B) *STOP WORK ORDER.*

IF A VIOLATION PERSISTS AFTER ISSUANCE OF A VIOLATION NOTICE, THE DEPARTMENT MAY ISSUE A STOP WORK ORDER FOR THE SITE.

(C) *BOND FORFEITURE; OTHER ACTION.*

IF REASONABLE EFFORTS TO CORRECT THE VIOLATION HAVE NOT BEEN UNDERTAKEN, THE DEPARTMENT MAY:

- (1) CAUSE THE PERFORMANCE BOND OR OTHER SECURITIES TO BE FORFEITED; AND
- (2) REFER THE MATTER FOR LEGAL ACTION.

(D) *CIVIL FINES.*

- (1) THE DEPARTMENT MAY IMPOSE CIVIL FINES FOR MINOR INFRACTIONS OF THIS DIVISION II.
- (2) A SCHEDULE OF FINES, NOT TO EXCEED \$500 FOR ANY ONE OFFENSE, SHALL BE ESTABLISHED AND MAY BE AMENDED FROM TIME TO TIME BY THE DEPARTMENT WITH THE APPROVAL OF THE BALTIMORE CITY BOARD OF ESTIMATES.

§§ 28-3 TO 28-4. {RESERVED}

§ 28-5. ADMINISTRATIVE REVIEW – IN GENERAL.

(A) *RIGHT OF APPEAL.*

ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED WITH THE ENFORCEMENT OF THIS DIVISION II, WHETHER AS THE RESULT OF THE DISAPPROVAL OF AN APPLICATION, THE ISSUANCE OF A VIOLATION NOTICE, AN ALLEGED FAILURE TO PROPERLY

ENFORCE THIS DIVISION II, OR OTHERWISE, MAY APPEAL THE ACTION TO THE DIRECTOR OF PUBLIC WORKS.

(B) *WHEN AND HOW TAKEN.*

THE APPEAL MUST:

- (1) BE IN WRITING;
- (2) STATE CLEARLY THE GROUNDS ON WHICH THE APPEAL IS BASED; AND
- (3) BE FILED WITH THE DIRECTOR WITHIN 10 DAYS OF THE ACTION IN DISPUTE.

§ 28-6. ADMINISTRATIVE REVIEW – DELEGATION OF HEARING AUTHORITY.

(A) *IN GENERAL.*

HEARINGS MAY BE CONDUCTED BY:

- (1) THE DIRECTOR OF PUBLIC WORKS; OR
- (2) A HEARING OFFICER DESIGNATED BY THE DIRECTOR.

(B) *SCOPE OF DELEGATION.*

THE DIRECTOR MAY DELEGATE TO A HEARING OFFICER THE AUTHORITY TO ISSUE:

- (1) PROPOSED OR FINAL FINDINGS OF FACT;
- (2) PROPOSED OR FINAL CONCLUSIONS OF LAW;
- (3) PROPOSED OR FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW;
- (4) PROPOSED OR FINAL ORDERS; OR
- (5) THE FINAL ADMINISTRATIVE DECISION OF THE DEPARTMENT.

§ 28-7. ADMINISTRATIVE REVIEW – CONDUCT OF HEARING.

(A) *NOTICE.*

- (1) THE DIRECTOR OF PUBLIC WORKS MUST PROVIDE ALL PARTIES REASONABLE WRITTEN NOTICE OF THE HEARING.
- (2) THE NOTICE MUST STATE:
 - (I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

- (II) THE RIGHT OF A PARTY TO BE REPRESENTED, AT THE PARTY'S OWN EXPENSE, BY AN ATTORNEY OR, IF PERMITTED BY LAW, OTHER REPRESENTATIVE;
- (III) THE RIGHT OF A PARTY TO CALL WITNESSES AND SUBMIT DOCUMENTS OR OTHER EVIDENCE UNDER § 28-8 OF THIS SUBTITLE; AND
- (IV) THAT FAILURE TO APPEAR FOR THE SCHEDULED HEARING MAY RESULT IN AN ADVERSE ACTION AGAINST THE PARTY.

(B) *HEARINGS TO BE OPEN AND INFORMAL.*

EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY RULE OR REGULATION OF THE DEPARTMENT, ALL HEARINGS MUST BE:

- (1) OPEN TO THE PUBLIC; AND
- (2) CONDUCTED IN AN ORDERLY BUT INFORMAL MANNER.

§ 28-8. ADMINISTRATIVE REVIEW – EVIDENCE.

(A) *IN GENERAL.*

EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION OR BY RULE OR REGULATION OF THE DEPARTMENT, FORMAL RULES OF EVIDENCE AND TRIAL PROCEDURES DO NOT APPLY.

(B) *RIGHT TO SUBMIT.*

ON A GENUINE ISSUE OF FACT, A PARTY IS ENTITLED TO:

- (1) CALL WITNESSES;
- (2) OFFER EVIDENCE, INCLUDING REBUTTAL EVIDENCE;
- (3) CROSS-EXAMINE ANY WITNESS THAT ANOTHER PARTY OR THE DEPARTMENT CALLS;
AND
- (4) PRESENT SUMMATION AND ARGUMENT.

(C) *SCOPE.*

THE DIRECTOR OR HEARING OFFICER:

- (1) MAY ADMIT PROBATIVE EVIDENCE THAT REASONABLE AND PRUDENT INDIVIDUALS COMMONLY ACCEPT IN THE CONDUCT OF THEIR AFFAIRS AND GIVE PROBATIVE EFFECT TO THAT EVIDENCE;
- (2) MAY NOT EXCLUDE EVIDENCE SOLELY ON THE BASIS THAT IT IS HEARSAY;
- (3) MUST GIVE EFFECT TO A PRIVILEGE RECOGNIZED BY LAW;

- (4) MAY RECEIVE DOCUMENTARY EVIDENCE IN THE FORM OF COPIES OR EXCERPTS OR THROUGH INCORPORATION BY REFERENCE;
- (5) MAY TAKE OFFICIAL NOTICE OF A FACT THAT IS JUDICIALLY NOTICEABLE OR THAT IS GENERAL, TECHNICAL, OR SCIENTIFIC AND WITHIN THE SPECIALIZED KNOWLEDGE OF THE DEPARTMENT; AND
- (6) MAY EXCLUDE EVIDENCE THAT IS:
 - (I) INCOMPETENT;
 - (II) IRRELEVANT;
 - (III) IMMATERIAL; OR
 - (IV) UNDULY REPETITIOUS.

§ 28-9. ADMINISTRATIVE REVIEW – FINAL DECISIONS.

(A) FORM AND CONTENTS.

A FINAL DECISION MUST:

- (1) BE IN WRITING; AND
- (2) CONTAIN SEPARATE STATEMENTS OF:
 - (I) THE FINDINGS OF FACT;
 - (II) THE CONCLUSIONS OF LAW; AND
 - (III) THE DECISION OR ORDER.

(B) DISTRIBUTION.

A COPY OF THE FINAL DECISION MUST BE MAILED OR DELIVERED TO EACH PARTY OR THAT PARTY’S ATTORNEY OF RECORD.

§ 28-10. {RESERVED}

§ 28-11. JUDICIAL REVIEW.

A PARTY AGGRIEVED BY A FINAL DECISION OF THE DEPARTMENT MAY APPEAL THAT DECISION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF CIVIL PROCEDURE.

§ 28-12. {RESERVED}

§ 28-13. CRIMINAL PENALTIES.

(A) IN GENERAL.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS DIVISION II OR OF ANY RULE OR REGULATION ADOPTED UNDER OR INCORPORATED INTO THIS DIVISION II IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH FINE AND IMPRISONMENT FOR EACH VIOLATION.

(B) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That plans submitted before the effective date of this Ordinance will be reviewed under the then-existing stormwater management regulations. If those plans are not approved within 1 year from the date they were submitted, the plans must be resubmitted under this Ordinance. If, after a plan has been reviewed and approved under the previous regulations, construction does not begin within 1 year of that plan's approval, the plan must be resubmitted under this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.